

ಶ್ರೀ ಟಿ. ಚೌದಯ್ಯ.—೧೨೦ ಹರಿಜನ ಕುಟುಂಬಗಳ ಬಗ್ಗೆ ಲ್ಯಾಂಡ್ ಗ್ರಾಂಟ್ ತಡೆ ಹಿಡಿದಿರತಕ್ಕ  
ವದ್ದ ಬಗ್ಗೆ ಒಂದು ಸ್ಟಾಡ್ಸ್ ಕೌನ್ಸಿಲ್ ಕಳುಹಿಸಿದ್ದೆ...

ಅಧ್ಯಕ್ಷರು.—ಆಗಲಿ ಕುಳಿತುಕೊಳ್ಳಿ ನೋಡೋಣ.

### Ruling by the Chair

*Re, 1 Breach of Privilege against Sri G. K. Govind Bhatt*

MR. SPEAKER.—On 7th May, 1980 Hon'ble Member, Sri Harnalli Ramaswami, sought my consent to move a motion of breach of Privilege against Sri G. K. Govind Bhat, former Chief Justice of the Karnataka High Court for a speech reported to have been made by him on 4th May, 1980 at a Conference of small land owners. Sri Govind Bhat was alleged to have stated that if in any State an act similar to the Karnataka Land Reforms Act had been enforced people would have beheaded the Minister concerned. He was also reported to have said that the Karnataka Land Reforms Act was a gross violation of not only the fundamental rights but even human rights of the citizens and he called upon the land owners to appeal to the International Commission of Jurists. According to the reported speech 'Adharma' was the foundation and injustice the path of the Act. Several Members contended that the speech of Sri Govind Bhat was an intimidation of Members who are responsible for passing the Act and that it was an incitement of the people to resort to violence to prevent the Legislators from discharging their duties as Members. A number of authorities were quoted for and against the admissibility of the Privilege motion. I have given the matter by careful consideration. I have gone through the authorities quoted by the Members and some others also.

Parliamentary Privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court Parliament, and by members of each House individually, without which they could not discharge the functions and which exceed those possessed by other bodies or individuals. Thus Privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law. The Privilege of Parliament are rights which are absolutely necessary for the due execution of its powers. They are enjoyed by individual Members, because the House cannot perform its functions without unimpeded use of the services of its members and by each House for the protection of its Members and the vindication of its own authority and dignity. Any act or omission which obstructs or impedes either House of Parliament in the performance of its functions or which obstructs or impedes any member or Officer

of such House in the discharge of his duties or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.

Privilege of Parliament exist chiefly for the protection and maintenance of the independence and dignity of Parliament.

There are numerous instances in which acts of members as well as strangers have been held by the House of Commons as Violations of the privilege of free speech of the members and punished as breach of its privileges. There are also equally numerous cases in which, though the Act looked like a breach of privilege, it was not, on closer scrutiny, considered as such. The governing principle in the words of a Committee of Privileges of the House of Commons is as follows :

“The nature and extent of any particular privilege claimed by Parliament has to be considered in relation to the circumstances of the time, the underlying test in all cases being whether the right claimed as a privileg is one which is absolutely necessary for the due execution of the powers of Parliament. The real test is that nothing ought to be done which is calculated to put a member in such fear or consequences if he speaks or acts in particular way that he will refrain from speaking or acting in that way. It may be concluded from the afore said observations that interference with the conduct of members of Parliament by improper means which the House would treat as a breach of its privilege should be of such a nature that it would be absolutely necessary for the House to protect its members against such assaults”.

A Committee of House of Commons has gone into the entire law of Parliamentary Privileges and has given a report on the extent to which recourse should be taken to the penal jurisdiction of the House. The Committee have, inter alia stated, as follows which is important.

“That the House should be slow and reluctant to use its penal powers to stifle criticism or even abuse, whether of the machinery of the House, of a Member or of an identifiable group of Members, however strongly the criticism may be expressed and however unjustifiable it may appear to be. Your Committee regard such criticism as the life-blood of democracy. In their view the sensible politician expects and even welcomes criticism of this nature. None the less, a point may be reached at which conduct ceases to be merely intemperate criticism and abuse becomes or is liable to become an improper obstruction of the functions of the Parliament. For such cases, however rare, the penal powers must be preserved and the House must be prepared to exercise them.”

According to a ruling of Speaker of the House of Commons a Member of Parliament is not free from criticisms. As far as question of privilege was concerned what he had to consider was "is it going to interfere with the execution of his proper duties. A mis-informed criticism was not going to deter Member from performing his duties as a Member of Parliament". Mere criticism however strongly worded it may be, does not amount a breach of Privilege. Fair comment on Parliamentary conduct of Members also has been held to be not amounting to a Breach of Privilege.

A long chain of rulings in the House of Commons and Lok Sabha indicate that general remarks are not treated as breach of Privilege unless there is an objection to the Member in the discharge of their duties or other *malafide* motives are imputed to the Members.

A statement of late Sri C. Rajagopalachari about the Members of Legislature that they were such people that any first Class Magistrate would route them up was not held to be breach of Privilege in Lok Sabha. A statement in the London Times that certain members draw their living from the steady perpetration of crimes for which Civil is alien demands the gallows was not considered to be a breach of Privilege by the house of Commons. In the light of the precedents stated above, I do not think any intervention of the House is necessary in the matter raised by the Members by starting Privilege proceedings against Sri Govind Bhat for his reported speech.

As a Presiding Officer, it is not for me to agree or disagree with the observations of Sri Govind Bhat on the Karnataka Land Reforms Act while the Members may express their strong indignation at what has been stated by him. For me, suffice it to say that the remarks do not call for a motion of breach of Privilege. The matter is treated as closed.

### CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE

*re : Situation Prevailing in the Hattimattur Village assault on Sri Siddanagouda patil, Ex-Police Patel.*

SRI M.M. NADAF.—Sir, I call the attention of the Chief Minister to the tense situation prevailing in the Hattimattur village of Savanur taluk due to assault on Sri Siddanagouda Patil, Ex-Police Patel.

SRI R. GUNDU RAO (Chief Minister).—I wish to make the following statement :